

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

CHRISTOPHER A. TYTANIC,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-16-1107-D
)	
BLUE SKY BIO, LLC, <i>et al.</i> ,)	
)	
Defendant.)	

ORDER

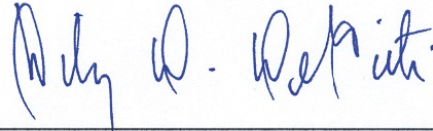
Upon review of the Notice of Removal, the Court finds insufficient allegations to support the assertion of federal subject matter jurisdiction under 28 U.S.C. § 1332.¹ Defendant Blue Sky Bio, LLC is a limited liability company. A limited liability company is not treated like a corporation under 28 U.S.C. § 1332(c)(1), but like a limited partnership or other unincorporated association under *Carden v. Arkoma Assocs.*, 494 U.S. 185 (1990). *See Siloam Springs Hotel, L.L.C. v. Century Surety Co.*, 781 F.3d 1233, 1237-38 (10th Cir. 2015). The Notice of Removal contains no information concerning the citizenship of the members or owners of Blue Sky Bio, LLC and, therefore, fails to allege its citizenship.²

¹ The Court has “an independent obligation to determine whether subject-matter jurisdiction exists” and may raise the issue *sua sponte* at any time. *Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006); *see Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006) (federal courts “have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party”).

² In a motion filed in state court, Defendant Albert Zickmann states that the members of the Blue Sky Bio, LLC include two trusts, but insufficient information is provided to determine the trusts’ citizenship. *See Conagra Foods, Inc. v. Americold Logistics, LLC*, 776 F.3d 1175, 1181 (10th Cir. 2015), *aff’d sub nom.* 136 S. Ct. 1012 (2016).

IT IS THEREFORE ORDERED that Defendant Blue Sky Bio, LLC shall file an amended notice of removal to allege the existence of diversity jurisdiction within 14 days from the date of this Order.³

IT IS SO ORDERED this 29th day of September, 2016.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

³ Defendant need not re-file the exhibits attached to the Notice of Removal but may incorporate them by reference pursuant to Fed. R. Civ. P. 10(c).